

### **REMARKS**

In the Election of Species Requirement mailed April 19, 2006, the Examiner has restricted the claims. The Examiner identified the following species:

**Claim 1** includes a microphone and digital processor which includes **an inhibitor** with varying function in respect to the dependency of the following:

Species A – claim 2 is drawn to the inhibitor including two representations

Species B – claim 3 is drawn to the inhibitor including a multiple of time-circuits

Species C – claim 4 is drawn to the inhibitor including a detector having a Hilbert Filter

Species D – claim 5 is drawn to the inhibitor including an estimator

**Claim 6** includes sampling, **smoothing** and adjusting, therein, in which smoothing includes varying functionality in respect to the dependency of the following:

Species A – claims 7-8 are drawn to smoothing including creating two representations of the input signal

Species B – claims 9-10 are drawn to smoothing including using a Hilbert Filter

**Claims 16-17**, which includes a preamplifier, a sampler, a detector, an adjuster, and a filter (claim17), wherein the **detector** includes varying functionality in respect to the dependency of the following:

Species A – claim18 is drawn to the detector including a Hilbert Filter

Subspecies – claims 19 and 20 are drawn to the detector squaring each signal of the Hilbert Filter

During a brief telephone conference on May 5, 2006 with Applicant's attorney, Marvin Beekman, Examiner Grier clarified that a species election is required for each independent claim. Applicant thanks the Examiner for the courtesy extended in the telephone conference.

**CLAIM 1:** Applicant elects Species A, identified as claim 2. In view of this election, Applicant requests consideration of claims 1-2.

**CLAIM 6:** Applicant elects Species A, identified as claims 7-8. In view of this election, Applicant requests consideration of claims 6-8.

**CLAIMS 16-17:** Applicant notes there is only one identified species and one identified subspecies for claims 16-17. Applicant elects Species A, identified as claim 18, and the subspecies, identified as claims 19 and 20. Claims 19 and 20 depend on claim 18, which depends on claim 17, which depends on claim 16. In view of this election, Applicant requests consideration of claims 16-20.

In view of the above elections, Applicant respectfully requests consideration of claims 1-2, 6-8, and 16-20. Applicant requests examination of all other species upon allowance of generic claims. Applicant respectfully reserves the right to reintroduce the non-elected claims for reconsideration in this application upon the allowance of a linking claim or to reintroduce them in one or more divisional applications at a later date.

In response to the previous Restriction Requirement, Applicant elected, with traverse, Group I, claims 1-10 and 16-20. Applicant respectfully submitted that the subject matter of Group I and Group IV (claims 11-15) should be combined for examination as it is believed that the search and examination of these two groups would not require additional effort by the Office. Applicant respectfully requests reconsideration and prosecution of Groups I and IV and restatement of the Restriction Requirement accordingly in the next official communication.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JON S. KINDRED ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6960

Date 5-16-06 By M L Beekman  
Marvin L. Beekman  
Reg. No. 38,377

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of May, 2006.

Name Kate Cannon

Signature

Kate G